

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. International committee for the safe and secure transportation of especially hazardous cargo.
- Sec. 3. Validation of compliance with ISPFC standards.
- Sec. 4. Safety and security assistance for foreign ports.
- Sec. 5. Coast Guard port assistance program.
- Sec. 6. EHC facility risk-based cost sharing.
- Sec. 7. Transportation security incident mitigation plan.
- Sec. 8. Coast Guard national resource allocation plan.
- Sec. 9. Incident command system training.
- Sec. 10. Conveyance of certain National Defense Reserve Fleet Vessels.
- Sec. 11. Pre-positioning interoperable communications equipment at interagency operational centers.
- Sec. 12. Definitions.

SEC. 2. INTERNATIONAL COMMITTEE FOR THE SAFE AND SECURE TRANSPORTATION OF ESPECIALLY HAZARDOUS CARGO.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70109 the following:

“§ 70109A. International committee for the safe and secure transportation of especially hazardous cargo

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State and other appropriate entities, shall, in a manner consistent with international treaties, conventions, and agreements to which the United States is a party, establish a committee that includes representatives of United States trading partners that supply tank or break-bulk shipments of especially hazardous cargo to the United States.

“(b) SAFE AND SECURE LOADING, UNLOADING, AND TRANSPORTATION OF ESPECIALLY HAZARDOUS CARGOES.—In carrying out this section, the Secretary, in cooperation with the International Maritime Organization and in consultation with the International Standards Organization and shipping industry stakeholders, shall develop protocols, procedures, standards, and requirements for receiving, handling, loading, unloading, vessel crewing, and transportation of especially hazardous cargo to promote the safe and secure operation of ports, facilities, and vessels that transport especially hazardous cargo to the United States.

“(c) DEADLINES.—The Secretary shall—

“(1) initiate the development of the committee within 180 days after the date of enactment of the Maritime Hazardous Cargo Security Act; and

“(2) endeavor to have the protocols, procedures, standards, and requirements developed by the committee take effect within 3 years after the date of enactment of that Act.

“(d) REPORTS.—The Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the development, implementation, and administration of the protocols, procedures, standards, and requirements developed by the committee established under subsection (a).”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to the section 70109 the following:

“70109A. International committee for the safe and secure transportation of especially hazardous cargo”.

SEC. 3. VALIDATION OF COMPLIANCE WITH ISPFC STANDARDS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70110 the following:

“70110A. Port safety and security validations

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall, in a manner consistent with international treaties, conventions, and agreements to which the United States is a party, develop and implement a voluntary program under which foreign ports and facilities can certify their compliance with applicable International Ship and Port Facility Code standards.

“(b) THIRD-PARTY VALIDATION.—

“(1) IN GENERAL.—In carrying out this section, the Secretary, in cooperation with the International Maritime Organization and the International Standards Organization, shall develop and implement a program under which independent, third-party entities are certified to validate a foreign port’s or facility’s compliance under the program developed under subsection (a).

“(2) PROGRAM COMPONENTS.—The international program shall include—

“(A) international inspection protocols and procedures;

“(B) minimum validation standards to ensure a port or facility meets the applicable International Ship and Port Facility Code standards;

“(C) recognition for foreign ports or facilities that exceed the minimum standards;

“(D) uniform performance metrics by which inspection validations are to be conducted;

“(E) a process for notifying a port or facility, and its host nation, of areas of concern about the port’s or facility’s failure to comply with International Ship and Port Facility Code standards;

“(F) provisional or probationary validations;

“(G) conditions under which routine monitoring is to occur if a port or facility receives a provisional or probationary validation;

“(H) a process by which failed validations can be appealed; and

“(I) an appropriate cycle for re-inspection and validation.

“(c) CERTIFICATION OF THIRD PARTY ENTITIES.—The Secretary may not certify a third party entity to validate ports or facilities under subsection (b) unless—

“(1) the entity demonstrates to the satisfaction of the Secretary the ability to perform validations in accordance with the standards, protocols, procedures, and requirements established by the program implemented under subsection (a); and

“(2) the entity has no beneficial interest in or any direct control over the port and facilities being inspected and validated.

“(d) MONITORING.—The Secretary shall regularly monitor and audit the operations of each third party entity conducting validations under this section to ensure that it is meeting the minimum standards, operating protocols, procedures, and requirements established by international agreement.

“(e) REVOCATION.—The Secretary shall revoke the certification of any entity determined by the Secretary not to meet the minimum standards, operating protocol, procedures, and requirements established by international agreement for third party entity validations.

“(f) PROTECTION OF SECURITY AND PROPRIETARY INFORMATION.—In carrying out this section, the Secretary shall take appropriate actions to protect from disclosure information that—

“(1) is security sensitive, proprietary, or business sensitive; or

“(2) is otherwise not appropriately in the public domain.

“(g) DEADLINES.—The Secretary shall—

“(1) initiate procedures to carry out this section within 180 days after the date of enactment of the Maritime Hazardous Cargo Security Act; and

“(2) develop standards under subsection (b) for third party validation within 2 years after the date of enactment of that Act.

“(h) REPORTS.—The Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on activities conducted pursuant to this section.”.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70110 the following:

“70110A. Port safety and security validations”.

SEC. 4. SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: “The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 70110 of title 46, United States Code, is amended—

(A) by inserting “or facilities” after “ports” in the section heading;

(B) by inserting “or facility” after “port” each place it appears; and

(C) by striking “PORTS” in the heading for subsection (e) and inserting “PORTS, FACILITIES”.

(2) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

“70110. Actions and assistance for foreign ports or facilities and United States territories”.

SEC. 5. COAST GUARD PORT ASSISTANCE PROGRAM.

Section 70110 of title 46, United States Code, is amended by adding at the end thereof the following:

“(f) COAST GUARD LEND-LEASE ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may lend, lease, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

“(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

“(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

“(C) to assist the port or facility in exceeding the standards described in subparagraph (A) and (B).

“(2) CONDITIONS.—The Secretary—

“(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them; but

“(B) may not provide such assistance unless the facility or port has been subjected to a comprehensive port security assessment by